

**REMARKS**

Claims 1 and 3-17 are pending in the present application. Claims 1 and 10 are independent claims. The claims presently appearing in the application are identical to those presented in the amendment filed March 15, 2006.

Applicants appreciate the courtesies extended to Applicant's representative during the personal interview held on August 1, 2006. The present response summarizes the understandings reached and substance of the interview. Arguments were advanced that the Seneca reference (5,219,340) was neither anticipatory of the claimed invention nor capable of being combined with other references to render the claimed invention obvious to one of ordinary skill in the art. The Examiner indicated that she would reconsider the final rejection and conduct a further search.

In the Office Action dated May 25, 2006, the Examiner *finally* rejected Claims 1 and 4-9 under 35 U.S.C. § 102(b) as being anticipated by Seneca (US 5,219,340). Claim 3 stands *finally* rejected under 35 U.S.C. § 103(a) as being unpatentable over Seneca (US 5,219,340) in view of Raducu (US DE 04301010). Claims 10-17 stand *finally* rejected under 35 U.S.C. § 103(a) as being unpatentable over Seneca (US 5,219,340) in view of Moretz et al. (US 5,392,467), or further in view of Raducu (US DE 04301010).

Applicants will reiterate the arguments herein that were advanced at the aforementioned interview to illustrate the manner in which the presently claimed invention is patentably distinguishable from the applied and cited prior art. Reconsideration of the present application is respectfully requested.

Applicants' claimed invention claimed is directed to a powder-dispensing pouch consisting of a porous envelope sealed at its edge and retaining a powder therein whereby the powder is dispersed through the porous envelope and into the user's groin area when the user is wearing a pair of underwear with the powder dispensing pouch inserted in the fly pocket of the underwear. Independent claim 1 is directed to the powder-dispensing pouch *per se* and independent claim 10 is directed to the combination of underwear and the powder-dispensing pouch.

In the final rejection the Examiner stated that the Seneca device discloses a sealed porous envelope containing powdered oatmeal "...such that the powder is dispersed through... (the porous envelope)..." However, Seneca realistically discloses an applicator for applying a colloidal oatmeal solution to the skin; wherein the applicator is immersed in warm water, the water passing into the pouch and contacting with the oatmeal to create a colloidal oatmeal solution that passes through the envelope and onto the user's skin. Seneca's porous envelope allows the water/colloidal oatmeal solution to pass therethrough **but not so porous so as to allow the ground oatmeal particles to pass therethrough** (column 4, lines 46-50). This disclosure is the antithesis of Applicant's claimed invention.

Applicant's porous envelope is made from a porous material of sufficient porosity to dispense or disperse the powder therethrough.. It is well settled that a claim is anticipated only if each and every element as set forth in the claim is found in a single prior art reference (MPEP Section 2131). It is clear that the Seneca reference is not anticipatory of Applicants' invention as defined in Claim 1. Withdrawal of the anticipation rejection of Claims 1 and 4-9 is respectfully requested.

The German patent to Raducu was relied upon by the Examiner in rejecting dependent Claim 3. However, this secondary reference fails to overcome or supply that which is lacking in the basic reference to Seneca as noted above.

With regard to the obviousness rejection of Claims 10-17, Applicants submit that the secondary references to Moretz et al (5,392,467) and Raducu (US DE 04301010), taken separately or in combination, fail to supplement the above noted deficiencies of the primary reference. Seneca does not disperse or dispense a powder but, rather, dispenses a wet colloidal oatmeal solution. The Moretz et al reference merely discloses underwear incorporating a moisture transport insert made of wicking fibers. The Raducu reference was relied upon by the Examiner to merely show a granulated mixture packed in small linen bags used for body care. Thus, one of ordinary skill in the art without the benefit of Applicants' own disclosure would not be capable of arriving at the presently claimed

invention by combining these references in the manner suggested by the Examiner. For at least these reasons, Applicants respectfully submit that independent Claim 10 and corresponding dependent Claims 11-17 are allowable over the prior art of record.

Applicants respectfully submit that the proposed response properly addresses the issues raised in the outstanding Final Rejection and represents a *bona fide* effort to satisfactorily conclude the prosecution of this application. In the event that the application is not allowed, it is requested that this response entered for purposes of appeal.

For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,



Richard J. Apley  
Litman Law Offices, Ltd.  
Registration No. 51,316  
(703) 486-1000

RJA/dht